

Introduced Version

**HOUSE CONCURRENT
RESOLUTION No. _____**

DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION urging the legislative council to direct the sentencing policy study committee to study issues concerning expungement of arrest records.

Hoy

_____, read first time and referred to Committee on

20073132

2007

HC 1047/DI 69+



HOUSE CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION urging the legislative council to direct the sentencing policy study committee to study issues concerning expungement of arrest records.

Whereas, Current law allows a person to petition a court for expungement of the person's arrest records if the person is arrested but no criminal charges are filed against the person or if all criminal charges filed against the person are dropped because of mistaken identity, no crime was in fact committed, or there was an absence of probable cause;

Whereas, There are other categories of persons who should be evaluated concerning their ability to petition a court for expungement of their arrest records, including a person who has had a conviction vacated and the state may not or will not refile criminal charges against the person, a person against whom a prosecution is barred because criminal charges have not been timely filed by the state, a person who has been acquitted of a criminal charge, a person who has successfully completed a pretrial diversion program, and a person who has had an indictment or information filed against the person dismissed; and

Whereas, To avoid the creation of undesirable or unintended consequences, it is necessary for each category of these persons to be carefully assessed before granting them the ability to petition a court for the expungement of their arrest records: Therefore,



*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

1 SECTION 1. That the legislative council is urged to direct the
2 sentencing policy study committee to study issues concerning the
3 expungement of arrest records, including possibly expanding the
4 categories of persons who should be allowed to petition a court for the
5 expungement of their arrest records.

